

REMARKS

The Examiner is thanked for the very thorough and professional Office Action in this case, and for withdrawal of the previous prior art rejections. Claims 1 and 4 have been canceled and Claims 5, 7, 8 and 9 rewritten to more definitely set forth the invention and obviate the rejection. Support for the amendment of Claim 5 can be found in the Specification on page 6, lines 16-21, and in the Specification, page 8, lines 9-23, and in Fig. 1 and 2. For example, Claims 7-9 have been amended to change their dependency from Claim 1, which has been canceled, to Claim 5. The present amendment is deemed not to introduce new matter. Claims 5-9 remain in the application.

Reconsideration is respectfully requested of the rejection of Claims 1, 4, 5, 7 and 8 under 35 U.S.C. § 102(b) as being anticipated by Van Heugten, et al.

The ophthalmologic knife of the present invention is designed for enlarging the incision of the eyeball. This is accomplished by providing on the ophthalmologic knife a guide portion formed in a width direction without the use of a sharp point. This feature is illustrated in Fig. 1 and described in the Specification, page 8, last paragraph. There it is pointed out that:

“Although the width of the guide portion 4 is required to be smaller than the width of the primary incision formed at the eyeball, the flat shape is not required to have a sharp tip. In other words, since the guide portion 4 serves to guide the blade portion 1 to the primary incision 32 without incising the cornea 31 of the sclera, a portion of the guide portion 4 is just required to be smoothly guided into any portion of the primary incision 32.”

In the rejection, the Examiner recognizes that items 58 and 60 of the Van Heugten, et al.

represent cutting edges as shown in (Fig. 5). However, the Specification of Van Heugten, et al. points out in column 4, lines 33-40, that with regard to Fig. 10:

“first and second longitudinal sides 58 and 60 extend from shoulder 56 to proximal end 48”, and that they are merely side edges of the handle.

The Specification in column 4, lines 38 and 39, particularly points out that:

“First and second cutting edges 62 and 64 extend angularly from shoulder 56 to distal end 50.”

Moreover, in the rejection, the Examiner equates portions 70', 72', 78' and 80' to the guide portions of the ophthalmologic knife of the present invention. In this regard, it is respectfully submitted that 70', 72', 78' and 80' merely define the faces which form the cutting edges 62 and 64.

However, there is no disclosure whatever in the Van Heugten, et al. of an ophthalmologic knife being guided into an incision formed at an eyeball and for widening the width of the incision, which contains a guide portion disposed in a width direction of the blade portion between two cutting edges for guiding the blade portion into the incision formed at the eyeball. On the contrary, that feature or aspect of the claimed ophthalmologic knife constitutes an important element or aspect of the present invention. For these reasons, it is respectfully submitted that the amended claims remaining in the application are neither anticipated by nor rendered unpatentably obvious by Van Heugten, et al. Consequently, the Examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Van Heugten, et al.

The Van Heugten, et al. reference is discussed above.

It is respectfully submitted that neither Van Heugten, et al. nor any of the other prior art of record discloses an ophthalmologic knife being guided into an incision formed at an eyeball or having a guide portion disposed in a width direction of the blade portion between two cutting edges.

Moreover, there is no disclosure or suggestion in Van Heugten, et al. that the inclination angle of the bottom of the guide portion should be greater than the top surface to effectively incise tissue. In view of the present amendment of Claim 5, it is respectfully submitted that the rejection fails since the features now called for in the claims herein are nowhere disclosed in Van Heugten, et al. For these reasons, the Examiner would be justified in no longer maintaining this rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Van Heugten, et al. in view of Anis.

Van Heugten, et al. is discussed above.

It is respectfully submitted that the Anis reference fails to cure the deficiencies of Van Heugten, et al. It is respectfully submitted that the Anis reference does not attempt to prevent glare from the entire knife. For example, Anis points out in column 2, lines 26-35, that the upper surface of the scalpel can be polished and that the glare from a polished upper surface can be used in the technique to provide a proper suture incision.

In any event, none of the scalpels disclosed by Anis contain a guide portion disposed in a width direction of the blade portion between the two cutting edges for guiding the blade into the incision formed at the eyeball. On the contrary, that teaching or suggestion comes only from the present application and is nowhere disclosed in Anis or any of the other references of record. For these reasons, it is respectfully submitted that the Examiner would be justified in no longer maintaining this rejection. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

TOWNSEND & BANTA

A handwritten signature in black ink, appearing to read 'Donald E. Townsend', is written over the printed name.

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